

U.S. District Court
Southern District of Indiana (Indianapolis)
CIVIL DOCKET FOR CASE #: 1:13-cv-01857-RLY-DML

WOUNDED WARRIOR PROJECT, INC. v. HELP INDIANA VETS,
INC. et al

Assigned to: Judge Richard L. Young
Referred to: Magistrate Judge Debra McVicker Lynch
Cause: 15:1125 Trademark Infringement (Lanham Act)

Date Filed: 11/21/2013
Date Terminated: 03/12/2014
Jury Demand: None
Nature of Suit: 840 Trademark
Jurisdiction: Federal Question

Discovery Deadline:
Dispositive Motion Deadline:

Settlement Conference:
Final Pretrial Conference:
Trial Date:

Plaintiff

WOUNDED WARRIOR PROJECT, INC.

represented by **John P. Passarelli**
KUTAK ROCK LLP
1650 Farnam Street
Omaha, NE 68102-2186
(402) 346-6000
Fax: (402) 346-1148
Email: john.passarelli@kutakrock.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Maggie L. Cox
KUTAK ROCK LLP
1650 Farnam Street
Omaha, NE 68102-2186
(402) 346-6000
Fax: (402) 346-1148
Email: maggie.cox@kutakrock.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Matthew S. Noren
KUTAK ROCK LLP
1650 Farnam Street
Omaha, NE 68102-2186
(402) 346-6000
Fax: (402) 346-1148
Email: matthew.noren@kutakrock.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Jessica M. Lindemann
BARNES & THORNBURG LLP
11 South Meridian Street
Indianapolis, IN 46204
317-231-7441
Email: jessica.lindemann@btlaw.com
ATTORNEY TO BE NOTICED

V.

Defendant**HELP INDIANA VETS, INC.****Defendant****DEAN M. GRAHAM**

Date Filed	#	Docket Text
11/21/2013	<u>1</u>	COMPLAINT against DEAN M. GRAHAM, HELP INDIANA VETS, INC., filed by WOUNDED WARRIOR PROJECT, INC.. (Filing fee \$400, receipt number 0756-2878775) (Attachments: # <u>1</u> Exhibit A – Help Indiana Vets, Inc. Website, # <u>2</u> Exhibit B – Email from D. Graham, # <u>3</u> Exhibit C – Donor Comments, # <u>4</u> Exhibit D – Emails from Donors, # <u>5</u> Civil Cover Sheet, # <u>6</u> Proposed Summons)(Lindemann, Jessica) (Entered: 11/21/2013)
11/21/2013	<u>2</u>	NOTICE of Appearance by Jessica M. Lindemann on behalf of Plaintiff WOUNDED WARRIOR PROJECT, INC.. (Lindemann, Jessica) (Entered: 11/21/2013)
11/21/2013	<u>3</u>	Corporate Disclosure Statement by WOUNDED WARRIOR PROJECT, INC.. (Lindemann, Jessica) (Entered: 11/21/2013)
11/22/2013	<u>4</u>	MOTION for Attorney(s) John P. Passarelli to Appear pro hac vice (No fee paid with this filing), filed by Plaintiff WOUNDED WARRIOR PROJECT, INC.. (Attachments: # <u>1</u> Exhibit A – Certification, # <u>2</u> Text of Proposed Order)(Lindemann, Jessica) (Entered: 11/22/2013)
11/22/2013	<u>5</u>	MOTION for Attorney(s) Maggie L. Cox to Appear pro hac vice (No fee paid with this filing), filed by Plaintiff WOUNDED WARRIOR PROJECT, INC.. (Attachments: # <u>1</u> Exhibit A – Certification, # <u>2</u> Text of Proposed Order)(Lindemann, Jessica) Modified on 11/25/2013 (TMD). (Entered: 11/22/2013)
11/22/2013	<u>6</u>	MOTION for Attorney(s) Matthew S. Noren to Appear pro hac vice (No fee paid with this filing), filed by Plaintiff WOUNDED WARRIOR PROJECT, INC.. (Attachments: # <u>1</u> Exhibit A – Certification, # <u>2</u> Text of Proposed Order)(Lindemann, Jessica) (Entered: 11/22/2013)
11/22/2013	<u>7</u>	ORDER OF RECUSAL. Clerk is directed to randomly reassign case and notify parties of newly assigned Judge. Signed by Magistrate Judge Mark J. Dinsmore on 11/22/2013. (NLR) (Entered: 11/22/2013)
11/22/2013	<u>8</u>	NOTICE of Reassignment of Case to Magistrate Judge Debra McVicker Lynch. Magistrate Judge Mark J. Dinsmore no longer assigned to the case. Please include the new case number, 1:13-cv-1857-RLY-DML , on all future filings in this matter. (DJH) (Entered: 11/22/2013)
11/22/2013	<u>9</u>	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (NMT) (Entered: 11/22/2013)
11/22/2013	<u>10</u>	Summons Issued as to DEAN M. GRAHAM, HELP INDIANA VETS, INC. (NMT) (Entered: 11/22/2013)
11/22/2013	<u>14</u>	RECEIPT #IP038307 for PRO HAC VICE fee in the amount of \$30.00, paid by MATTHEW S. NOREN. (JRT) (Entered: 12/03/2013)
11/22/2013	<u>15</u>	RECEIPT #IP038306 for PRO HAC VICE fee in the amount of \$30.00, paid by JOHN P. PASSARELLI. (JRT) (Entered: 12/03/2013)

11/22/2013	<u>16</u>	RECEIPT #11038803 for PRO HAC VICE fee in the amount of \$30.00, paid by MAGGIE L. COX. (JRT) (Entered: 12/03/2013)
11/27/2013	<u>11</u>	MOTION for Preliminary Injunction , filed by Plaintiff WOUNDED WARRIOR PROJECT, INC.. (Lindemann, Jessica) (Entered: 11/27/2013)
11/27/2013	<u>12</u>	BRIEF/MEMORANDUM in Support re <u>11</u> MOTION for Preliminary Injunction , filed by Plaintiff WOUNDED WARRIOR PROJECT, INC.. (Lindemann, Jessica) (Entered: 11/27/2013)
11/27/2013	<u>13</u>	Designation of Evidence re <u>12</u> Brief/Memorandum in Support of Motion, <u>11</u> MOTION for Preliminary Injunction , filed by Plaintiff WOUNDED WARRIOR PROJECT, INC.. (Attachments: # <u>1</u> Affidavit Nardizzi Declaration, # <u>2</u> Exhibit A to Nardizzi Declaration, # <u>3</u> Exhibit B to Nardizzi Declaration, # <u>4</u> Exhibit C to Nardizzi Declaration, # <u>5</u> Exhibit D to Nardizzi Declaration, # <u>6</u> Exhibit E to Nardizzi Declaration, # <u>7</u> Affidavit Noren Declaration, # <u>8</u> Affidavit Feldbusch Declaration)(Lindemann, Jessica) (Entered: 11/27/2013)
12/06/2013	<u>17</u>	ORDER granting <u>4</u> Motion to Appear pro hac vice. Attorney John P. Passarelli for WOUNDED WARRIOR PROJECT, INC. added. John P. Passarelli is ORDERED to register as a user of the court's electronic case filing system by December 19, 2013. Failure to register could result in the revocation of his admission pro hac vice. Copy via US Mail to John P. Passarelli. Signed by Magistrate Judge Debra McVicker Lynch on 12/6/2013. (SWM) (Entered: 12/06/2013)
12/06/2013	<u>18</u>	ORDER granting <u>5</u> Motion to Appear pro hac vice. Attorney Maggie L. Cox for WOUNDED WARRIOR PROJECT, INC. added. Maggie L. Cox is ORDERED to register as a user of the court's electronic case filing system by December 19, 2013. Failure to register could result in the revocation of her admission pro hac vice. Copy to Maggie L. Cox via US Mail. Signed by Magistrate Judge Debra McVicker Lynch on 12/6/2013. (SWM) (Entered: 12/06/2013)
12/06/2013	<u>19</u>	ORDER granting <u>6</u> Motion to Appear pro hac vice. Attorney Matthew S. Noren for WOUNDED WARRIOR PROJECT, INC. added. Matthew S. Noren is ORDERED to register as a user of the court's electronic case filing system by December 19, 2013. Failure to register could result in the revocation of his admission pro hac vice. Copy to Matthew S. Noren via US Mail. Signed by Magistrate Judge Debra McVicker Lynch on 12/6/2013. (SWM) (Entered: 12/06/2013)
12/06/2013	<u>20</u>	Proposed Summons submitted for issuance by the clerk as to DEAN M. GRAHAM, HELP INDIANA VETS, INC.. (Lindemann, Jessica) (Entered: 12/06/2013)
12/10/2013	<u>21</u>	Summons (Alias – Amended) as to DEAN M. GRAHAM and HELP INDIANA VETS, INC. (DJH) (Entered: 12/10/2013)
12/20/2013	<u>22</u>	AFFIDAVIT of Service for Complaint, Motions served on Dean M. Graham on behalf of Help Indiana Vets, Inc. on 12/11/2013, filed by WOUNDED WARRIOR PROJECT, INC.. (Lindemann, Jessica) (Entered: 12/20/2013)
12/20/2013	<u>23</u>	AFFIDAVIT of Service for Complaint, Motions served on Dean M. Graham on 12/11/2013, filed by WOUNDED WARRIOR PROJECT, INC.. (Lindemann, Jessica) (Entered: 12/20/2013)
12/20/2013	<u>24</u>	MOTION for Extension of Time to 1/31/2014 in which to <u>1</u> Complaint, <u>11</u> MOTION for Preliminary Injunction , filed by Plaintiff WOUNDED WARRIOR PROJECT, INC.. (Attachments: # <u>1</u> Text of Proposed Order)(Lindemann, Jessica) (Entered: 12/20/2013)
12/23/2013	<u>25</u>	ORDER granting <u>24</u> Plaintiff's Motion for Extension of Time for Defendants to respond to complaint and Motion for Preliminary Injunction and being duly advised, now GRANTS the motion. IT IS HEREBY ORDERED that the deadlines for Defendants to respond to the Complaint and Motion for Preliminary Injunction are extended to and including January 31, 2014. Signed by Magistrate Judge Debra McVicker Lynch on 12/23/2013. (MRI) (Entered: 12/23/2013)

01/30/2014	<u>26</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM, Lack of Venue, and Lack of Jurisdiction, filed by Defendants DEAN M. GRAHAM, HELP INDIANA VETS, INC. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Envelope)(NMT) (Entered: 01/30/2014)
01/30/2014	<u>27</u>	MOTION for Extension of Time to 30 days after Court's ruling on Motion to Dismiss to file response to <u>11</u> MOTION for Preliminary Injunction , filed by Defendants DEAN M. GRAHAM, HELP INDIANA VETS, INC. (Attachments: # <u>1</u> Envelope)(NMT) (Entered: 01/30/2014)
02/03/2014	<u>28</u>	SCHEDULING ORDER – A Telephonic Status Conference is set for 2/25/2014 03:00 PM (Eastern) before Magistrate Judge Debra McVicker Lynch. Mr. Graham and counsel for the parties are to contact the court at 317.229.3630 to participate in the conference. Where multiple counsel from a firm are participating in the conference, those counsel should make arrangements to call the court on a single line. Signed by Magistrate Judge Debra McVicker Lynch on 2/3/2014. (copy to Dean Graham via US Mail) (JKS) (Entered: 02/03/2014)
02/14/2014	<u>29</u>	RESPONSE in Opposition re <u>27</u> MOTION for Extension of Time to 30 days after ruling on Motion to Dismiss to file response to <u>11</u> MOTION for Preliminary Injunction , <u>26</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , filed by Plaintiff WOUNDED WARRIOR PROJECT, INC.. (Lindemann, Jessica) (Entered: 02/14/2014)
02/14/2014	<u>30</u>	Designation of Evidence re <u>29</u> Response in Opposition to Motion to Dismiss and Motion for Extension, filed by Plaintiff WOUNDED WARRIOR PROJECT, INC.. (Attachments: # <u>1</u> Exhibit 1 --- HIVI Articles of Incorporation, # <u>2</u> Exhibit 2 --- HIVI Certificate of Existence, # <u>3</u> Exhibit 3 --- Map of Indiana Area Codes, # <u>4</u> Exhibit 4 --- Directions from Columbia City to Fort Wayne)(Lindemann, Jessica) (Entered: 02/14/2014)
02/27/2014	<u>31</u>	REPLY in Support of Motion re <u>26</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM, filed by Defendants DEAN M. GRAHAM, HELP INDIANA VETS, INC. (Attachments: # <u>1</u> Envelope)(NMT) (Entered: 02/28/2014)
03/10/2014	<u>32</u>	MINUTE ENTRY and ORDER for proceedings held before Magistrate Judge Debra McVicker Lynch: Telephone Status Conference held on 2/25/2014. Defendant Help Indiana Vets must obtain counsel by March 25, 2014, or be subject to default. The motion for extension of time <u>27</u> to respond to the motion for preliminary injunction is GRANTED IN PART. The defendants have 14 days from the court's ruling on the motion to dismiss <u>26</u> to respond to the motion for preliminary injunction. Signed by Magistrate Judge Debra McVicker Lynch. Copy sent to Dean Graham, Help Indiana Vets, Inc. (Court Reporter Jean Knepley.)(PG) (Entered: 03/11/2014)
03/12/2014	<u>33</u>	ORDER denying Defendants' <u>26</u> Motion to Dismiss for Failure to State a Claim. Clerk is ORDERED to transfer this case to the USDC Northern District of Indiana, Fort Wayne Division. Signed by Judge Richard L. Young on 3/12/2014. (TMD) (Entered: 03/12/2014)
03/12/2014	<u>I</u>	CLOSED TRANSFER to USDC Northern District of Indiana, Fort Wayne Division. Signed by Judge Richard L. Young on 3/12/2014.(TMD) (Entered: 03/12/2014)